

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 25

SENATE BILL 1061

AN ACT

AMENDING SECTIONS 36-796, 36-796.02, 36-796.03, 36-796.04 AND 36-796.08, ARIZONA REVISED STATUTES; REPEALING SECTIONS 36-796.01 AND 36-796.05, ARIZONA REVISED STATUTES; RELATING TO BEDDING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-796, Arizona Revised Statutes, is amended to
3 read:

4 36-796. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Bedding" includes upholstered furniture and means any mattress,
7 box spring, upholstered chair, couch, or other upholstered device or any
8 quilted pad, packing pad, mattress pad, hammock pad, pad, comforter, bunk
9 quilt, sleeping bag, pillow, cushion, hassock or other bag or container made
10 of leather, cloth, plastic, or any other material that is used as a covering
11 or is stuffed or filled in whole or in part with concealed material in
12 addition to the structural units, all of which may be used by any human being
13 PERSON for sleeping, resting or reclining purposes. ~~"Bedding" shall~~ DOES
14 not include the upholstered portions of motor vehicles other than mobile
15 homes, house trailers and camp trailers.

16 ~~2. "Department" means the department of health services.~~

17 ~~3. "Director" means the director of the department of health services.~~

18 ~~4.~~ 2. "Filling materials" means all OR PORTIONS OF materials,
19 prefabricated forms, OR articles or portions thereof, used as filling in the
20 manufacture, repair or renovation of bedding and upholstered furniture.

21 ~~5.~~ 3. "New" means any material or article which THAT has not been
22 previously used, EXCEPT IN THE MANUFACTURING PROCESS, for any purpose.
23 ~~Manufacturing processes shall not be considered a prior use.~~

24 ~~6.~~ 4. "Person" includes persons, partnerships, companies,
25 corporations, associations, and governmental agencies.

26 ~~7. "Regulations" means rules and regulations of the department adopted~~
27 ~~by the director pursuant to this article.~~

28 ~~8.~~ 5. "Renovate" means to repair, make over, recover, restore, or
29 renew bedding, or upholstered furniture and place it in a good state of
30 repair.

31 ~~9.~~ 6. "Secondhand" means any PORTION OF ANY article or material or
32 portion thereof, of which prior use of any kind, EXCEPT IN THE MANUFACTURING
33 PROCESS, has been made.

34 ~~10.~~ 7. "Sell", or any of its variants, includes any of, or any
35 combinations of, the following: sell, MEANS TO offer or expose for sale,
36 barter, trade, lend, deliver, give away, rent, consign, lease, possess with
37 intent to sell or dispose of in any other commercial manner. The possession
38 of any article of bedding or filling materials, as defined in this section,
39 by any maker, remaker or dealer, in the course of business, shall be IS
40 presumptive evidence of intent to sell.

41 ~~11.~~ 8. "Sterilizer" means a person who sterilizes, disinfects,
42 disinfects, or fumigates any article of upholstered furniture, OR bedding
43 or ANY filling material relating thereto TO THESE ITEMS.

1 Sec. 2. Repeal

2 Sections 36-796.01 and 36-796.05, Arizona Revised Statutes, are
3 repealed.

4 Sec. 3. Section 36-796.02, Arizona Revised Statutes, is amended to
5 read:

6 36-796.02. Labeling of bedding required

7 A. ~~No~~ A person shall NOT manufacture, repair, renovate or sell, or
8 have in his THE PERSON'S possession with intent to sell, any item of bedding,
9 unless there is securely attached, ~~where~~ A clearly visible, ~~a~~ tag made of
10 substantial cloth or a material of equal quality, ~~as provided in this~~
11 ~~article. All tags required by this section shall be~~ AND attached at the
12 factory.

13 B. Bedding manufactured in whole from all new material shall have
14 SECURELY attached a white tag not less than six square inches in size upon
15 ON which ~~shall be~~ IS plainly stamped or printed, in black ink, in the
16 English language:

17 1. ~~The statement "All New Material" in lettering not less than~~
18 ~~one-eighth inch in height.~~

19 2. ~~The manufacturer's license number, assigned by the department NAME~~
20 ~~AND ADDRESS OF THE MANUFACTURER OR DISTRIBUTOR.~~

21 3. THE MANUFACTURER'S REGISTRATION OR LICENSE NUMBER IF THE
22 MANUFACTURER IS REGISTERED OR LICENSED IN ANOTHER STATE.

23 ~~3. 4. Unless otherwise provided by regulation, The kind and grade of~~
24 ~~each material used in filling, expressed in percentages by weight when mixed.~~

25 C. Bedding manufactured in whole, or in part, from secondhand
26 material shall have securely attached a red tag not less than twelve square
27 inches in size upon ON which ~~shall be~~ IS plainly printed in black ink, in
28 the English language, the statement:

29 1. "Secondhand Material" in lettering not less than one-fourth inch
30 in height. and

31 2. The manufacturer's NAME AND ADDRESS OF THE MANUFACTURER.

32 3. THE MANUFACTURER'S REGISTRATION OR license number assigned by the
33 department IF THE MANUFACTURER IS REGISTERED OR LICENSED IN ANOTHER STATE.

34 D. ~~The provisions of this Subsection are C DOES not intended to apply~~
35 ~~to bedding reworked, repaired or renovated for the owner for his~~ THE OWNER'S
36 own use.

37 ~~D.~~ E. Bedding renovated, reworked or repaired for the owner, for the
38 owner's use and from the owner's material, which is in whole or in part
39 secondhand, shall have SECURELY attached a green tag not less than six square
40 inches in size, upon ON which ~~shall be~~ IS plainly printed in black ink, in
41 the English language:

42 1. ~~The statement "Not for Sale, Owner's Own Material which THAT is~~
43 ~~Secondhand Material" in lettering not less than one-eighth inch in height.~~

44 2. ~~The renovator's license number assigned by the department NAME AND~~
45 ADDRESS OF THE RENOVATOR.

1 3. The name and address of the owner.

2 ~~E. The terms used on the tag to describe materials used in filling~~
3 ~~shall be restricted to those defined in regulations adopted by the~~
4 ~~department, and no trade or substitute terms shall be used.~~

5 ~~F. It is unlawful to~~ A PERSON SHALL NOT make any false or misleading
6 statements on the tag required by this section. ~~It is unlawful for any A~~
7 ~~person to~~ SHALL NOT remove, deface, alter or cause to be removed, defaced or
8 altered, any tag or statement contained thereon ON THE TAG for the purpose
9 of defeating VIOLATING any of the provisions PROVISION of this article or
10 regulations. The placing of material or marks over any lettering on the tag
11 ~~shall be construed to be~~ IS a defacement of the tag.

12 Sec. 4. Section 36-796.03, Arizona Revised Statutes, is amended to
13 read:

14 36-796.03. Prohibited use of certain materials

15 ~~No~~ A person shall NOT use materials obtained from dump grounds, junk
16 yards JUNKYARDS or hospitals, within or without the OUTSIDE THIS state of
17 Arizona, for the manufacturing, repairing or renovating of TO MANUFACTURE,
18 REPAIR, REWORK OR RENOVATE bedding or batting.

19 Sec. 5. Section 36-796.04, Arizona Revised Statutes, is amended to
20 read:

21 36-796.04. Sterilization, disinfection and disinfestation of
22 bedding and materials

23 A. ~~No~~ A person shall NOT sell, offer for sale or include in a sale any
24 item of secondhand bedding or any item of bedding of any type manufactured
25 in whole or in part from secondhand material, including their THE component
26 parts of wiping rags, unless such THE SECONDHAND material has been treated,
27 and cleaned AND DISINFECTED, by a method approved by the department.

28 B. ~~No~~ A person shall NOT use in the manufacture, repair and renovation
29 of bedding of any type any material which THAT has been used by a person with
30 an infectious or contagious disease, or which THAT is filthy, OR oily or
31 harbors loathsome insects or pathogenic bacteria.

32 C. ~~No~~ A person shall NOT sell, or offer for sale or include in a sale
33 any material or bedding which THAT under the provisions of this article or
34 regulations requires treatment unless there is securely attached in
35 accordance with regulations, a yellow tag not less than twelve square inches
36 in size, made of substantial cloth or a material of equal quality. Upon the
37 tag there shall be AND ON WHICH THERE IS plainly printed, in black ink, in
38 the English language, a statement showing THE FOLLOWING INFORMATION:

39 1. That the item or material has been treated by a method approved by
40 the department of health services, and the method of treatment applied.

41 2. The lot number and the tag number of the item treated.

42 3. The license number of the person applying WHO APPLIED THE
43 treatment.

1 4. The name and address of the person for whom THE ITEM WAS treated.
2 ~~D. Holders of licenses to apply sterilization, disinfection or~~
3 ~~disinfestation treatment shall be required to keep an accurate record of all~~
4 ~~materials which have been subjected to treatment, including the source of~~
5 ~~material, date of treatment, and the name and address of the receiver of~~
6 ~~each. Such records shall be available for inspection at any time by~~
7 ~~authorized representatives of the department.~~

8 D. EVERY MANUFACTURER, RENOVATOR, REBUILDER, REPAIRER OR SANITIZER OF
9 USED BEDDING SHALL REMOVE THE OUTER FABRIC, THE INNER FOAM, THE PAD, AND ANY
10 OTHER FABRIC AND ANY OTHER TEXTILE PRODUCT, MATERIAL OR COMPONENT AND SHALL
11 INSPECT EACH ITEM FOR SOILING, MALODOR AND PEST INFESTATION PRIOR TO THE SALE
12 OR DISTRIBUTION OF THE BEDDING PRODUCT. IF ANY MATERIAL OR COMPONENT OF USED
13 BEDDING IS SOILED, MALODOROUS OR INFESTED, THAT MATERIAL OR COMPONENT CANNOT
14 BE REUSED, SOLD OR DISTRIBUTED FOR USE IN ANY BEDDING PRODUCT.

15 Sec. 6. Section 36-796.08, Arizona Revised Statutes, is amended to
16 read:

17 36-796.08. Violation; classification

18 A person who violates any provision of this article or any regulation
19 established thereunder is guilty of a class 2 misdemeanor.

APPROVED BY THE GOVERNOR MARCH 29, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2001.

Passed the House March 5, 20 01,

by the following vote: 50 Ayes,

2 Nays, 8 Not Voting

Jake Flake
Speaker of the House
Pro Tempore

Sorman L. Moore
Chief Clerk of the House

Passed the Senate January 24, 20 01,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Randall Arant
President of the Senate

Channing Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

S.B. 1061

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate March 27, 2001,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Paula Scott
President of the Senate

Charmin Bellinger
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

27 day of March, 2001,

at 11:57 o'clock A M.

Jandra Ramirez
Secretary to the Governor

APPROVED THIS 29 day of

March, 2001,

at 10:35 o'clock A M.

Janice Yee Hull
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 29 day of March, 2001,

at 4:05 o'clock P M.

Debbie Dayless
Secretary of State

S.B. 1061